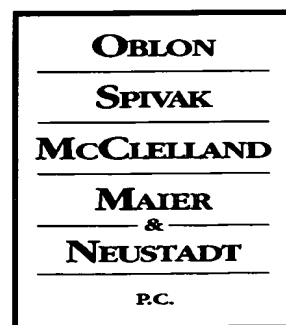




Docket No.: 242752US8

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 10/661,602
Applicants: Sung Uk MOON, et al.
Filing Date: September 15, 2003
For: MODULATION AND DEMODULATION BASED ON
HIERARCHICAL MODULATION
Group Art Unit: 2611
Examiner: Panwalkar, Vineeta S.

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION

Our credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 242752US8

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

RESTRICTION APPLICATION OF

:

SUNG UK MOON, ET AL.

: EXAMINER: PANWALKAR, VINEETA
S.

SERIAL NO: 10/661,602

:

FILED: SEPTEMBER 15, 2003

: GROUP ART UNIT: 2611

FOR: MODULATION AND
DEMODULATION BASED ON
HIERARCHICAL MODULATION

:

PROVISIONAL ELECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated December 29, 2006, Applicants provisionally elect with traverse Group I, Claims 1-4 and 11-14, drawn to a modulation device and method, Class 375, subclass 295 for further examination on the merits. Applicants reserve the right to file one or more divisional applications directed to the non-elected invention.

Furthermore, while the Restriction Requirement asserts that the application contains claims to patentably distinct inventions, MPEP § 803 states the following:

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.